



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,933	04/26/2001	Masafumi Kurashige	450100-03140	1183

20999 7590 08/28/2003

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

KOSTAK, VICTOR R

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/842,933

Applicant(s)
Kurashige

Examiner
Victor Kostak

Art Unit
2611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:

Art Unit: 2611

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Note MPEP 606.01.
2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishimura et al.

The system of Nishimura (e.g. Fig. 9) involves generating a special effect (e.g. col. 1 lines 20-25), wherein an image is converted in a predetermined manner (e.g. mixing as by elements 107, 108 for selective processing, noting further col. 15 lines 9-14). An image portion is extracted and processed according to plural conditions for color and/or luminance (e.g. col. 14 lines 2-10 and lines 25-30), and a key circuit 112 outputs a key signal based on the results of the extraction. The output of switch 125 provides an image with special effects carried out by

Art Unit: 2611

mixers 107 and 108 which convert the input image, and according to the key generator, thereby meeting claim 1.

As for claim 3, different effects can be applied (noted above regarding col. 15 lines 9-14), and selection of the set effect conversion processing, as well as setting the extracting stage is done, what the skilled artisan can consider, freely and independently (as the user of the system can initiate as so preferred).

As for claims 2 and 4, Nishimura isolates regions of the image area in order to process only specifically chosen object areas (e.g. col. 12 lines 25-29), thereby effecting a mask function.

Regarding claim 8, the extraction processing involves luminance and color difference signals (col. 13 lines 22-45).

As for claim 9, the image to be processed covers a two-dimensional region, and the signal components are Y, Cr and Cb (noting again col. 13 lines 38-45).

Considering claim 11, the mixing elements 107 and 108 can function as non-additive mixers (col. 12 line 54 - col. 13 line 11).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2611

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura et al. in view of Hickman or Takemura.

Both Hickman (col. 3 lines 41-43; col. 4 lines 21-22) and Takemura (col. 1 lines 58-60; col. 7 lines 43-47) teach the benefit of tailoring image signals by incorporating two-dimensional lowpass filtering in a special effects system. In view of their specific descriptions of signal preparation, it would therefore have been obvious to one of ordinary skill in the art to tailor the image signal of Nishimura to prepare it for a special effect by including two-dimensional bandpass filtering.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura et al. in view of Thier et al.

As noted above, Nishimura can apply any of plural special effects to selected regions of an image, and he gives examples which he admits are not exclusive (col. 15 lines 9-17).

In view of this explicit allowance, it would therefore have been obvious to one of ordinary skill in the art to perform any known type of effect and preparation therefore, such as gradient reduction (noting the posterization and solarization of Thier in his special effect system: even-numbered elements 7040 - 7050 in Fig. 7), as well as block formation (mosaic processors 7034 - 7038 even also in Fig. 7), since it is a typical preference to make available a multitude of display options in special effect systems.

Art Unit: 2611

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura et al. in view of MacDonald.

Although Nishimura does not describe in any detail the typical color gamut reference used for deciding his color difference signal values (as he addresses the color difference signal processing in real terms), it would have been obvious to identify the parameters relative to the three-dimensional standard as so pointed out by MacDonald, who in his special effect system (col. 2 lines 17-19) acknowledges the color referencing to the 3D color space gamut used to modify color values (col. 4 lines 40-43).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (703)-305-4374. The examiner can normally be reached on Monday through Friday from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Art Unit: 2611

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

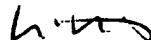
or faxed to:

(703) 872-9314 (For either formal or informal communications intended for entry. For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Victor R. Kostak

Primary Examiner



VRK

Application/Control Number: 0/842,933

Page 7

Art Unit: 2611

8/25/03